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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Mr. Robert Noodelijk

Serial No.: 09/923,534

Group Art Unit: 1661

Filed: August 8, 2001

Examiner: Anne Marie Grunberg

For: CHRYSANTHEMUM PLANT NAMED 'ETNA'

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated August 25, 2003 of the Primary Examiner finally rejecting claim 1.

The \$165.00 (small entity) Appeal fee is:

X enclosed (our check # 17506)

— not required (fee paid in prior appeal in this application with no Board decision on the merits).

X included in our check is \$55.00 for a one-month extension of time for filing this Notice of Appeal.

12/30/2003 NDAMTE1 00000051 160331 09923534

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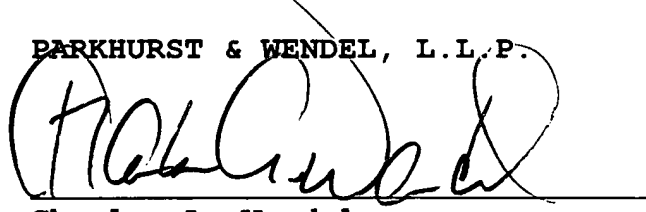
The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 16-0331. A duplicate copy of this form is enclosed.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.

Date:

December 23, 2003



Charles A. Wendel

Registration No. 24,453

CAW/ch

Attorney Docket No. CHRE:118

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(rev. 10/97)

PLEASE ACCEPT THIS AS
AUTHORIZATION TO DEBIT
OR CREDIT FEES TO
DEP. ACCT. 16-0331
PARKHURST & WENDEL